

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA**

BRUCE LYNN COLLINS,)	
)	
Petitioner,)	
)	
vs.)	Case No. CIV-11-0653-F
)	
JOSEPH TAYLOR, Warden,)	
)	
Respondent.)	

ORDER


Petitioner, a state prisoner appearing *pro se*, seeks a writ of habeas corpus pursuant to 28 U.S.C. § 2241. (Doc. no. 1.) On January 17, 2012, Magistrate Judge Bana Roberts filed a Report and Recommendation (the Report, doc. no. 15), recommending that the motion to dismiss the petition as moot be granted. (Doc. no. 8.) The Report also recommended that petitioner's request for court costs be denied (doc. no. 9, *and see* doc. nos. 10, 11, 12 and 14), and that petitioner's motions for various orders be denied as moot. (Doc. nos. 10, 11, 12, 14.) The Report advised the petitioner of his right to object and that failure to make timely objection to the Report would foreclose appellate review of the suggested rulings. Petitioner did not file an objection or ask for an extension of time within which to object.

Upon review, and with no objection having been filed, the court concludes that it agrees with the Magistrate Judge and that no purpose would be served by any further analysis here. The court hereby **ADOPTS, ACCEPTS** and **AFFIRMS** the Report of the Magistrate Judge. (Doc. no. 15). The motion to dismiss the petition as moot is **GRANTED** (doc. no. 8); the petition for a writ of habeas corpus (doc. no. 1) is **DISMISSED AS MOOT**; petitioner's request for court costs is **DENIED** (doc. no. 9, *and see* doc. nos. 10, 11, 12, 14), and petitioner's motions for various other orders are each **DENIED AS MOOT** (doc. nos. 10, 11, 12, 14).

Petitioner is entitled to a certificate of appealability only upon making a substantial showing of the denial of a constitutional right. 28 U.S.C. § 2253(c)(2). This standard is satisfied by demonstrating that the issues petitioner seeks to raise are deserving of further proceedings, debatable among jurists of reasons, or subject to different resolution on appeal. *See, Slack v. McDaniel*, 529 U.S. 473, 484 (2000) (“[W]e give the language found in §2253(c) the meaning ascribed it in [*Barefoot v. Estelle*, 463 U.S. 880, 893 (1983)], with due note for the substitution of the word ‘constitutional.’”). “Where a district court has rejected the constitutional claims on the merits,...[t]he petitioner must demonstrate that reasonable jurists would find the district court’s assessment of the constitutional claims debatable or wrong.” *Id.* When a prisoner’s habeas petition is dismissed on procedural grounds without reaching the merits of the prisoner’s claims, “a COA should issue when the prisoner shows, at least, that jurists of reason would find it debatable whether the petition states a valid claim of the denial of a constitutional right and that jurists of reason would find it debatable whether the district court was correct in its procedural ruling.” *Id.*

The petitioner has not made the requisite showing and a certificate of appealability is **DENIED**.

Dated this 22nd day of February, 2012.


STEPHEN P. FRIOT
UNITED STATES DISTRICT JUDGE